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PTO/SB/64 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

077410.0450

First named inventor: Mangla et al.

Application No.: 10/616,733

Art Unit: 1741

Filed: 07/10/2003

Examiner: N. Hayden

Title: Vented Container With Handles And Embossment

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Response to Notice under 37 CFR 1.251 (identify type of reply):

- ☐ has been filed previously on _____.
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

- ☐ has been paid previously on _____.
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

<u><i>Lisa A. Chiarini</i></u> Signature	<u>07/12/2006</u> Date
<u>Lisa A. Chiarini</u> Typed or printed name	<u>50,932</u> Registration Number, if applicable
<u>30 Rockefeller Center, 44th Floor</u> Address	<u>212-408-2500</u> Telephone Number
<u>New York, NY 10012-4498</u> Address	

- Enclosures: ☒ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☒ Additional sheets containing statements establishing unintentional delay
- ☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- ☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

07/12/2006
Date

Lisa A. Chiarini
Signature

Lisa A. Chiarini
Typed or printed name of person signing certificate



File No. 077410.0450
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Mangla et al. Customer No. : 28763
Serial No. : 10/616,733 Confirmation No. : 9491
Filed : 07/10/2003 Group Art Unit : 1741
Examiner : N. Hayden
For : Vented Container With Handles And Embossment

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)

I hereby certify that this paper is being deposited with the United States
Postal Service as First-Class mail in an envelope addressed to:
Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on:

July 12, 2006

Date of Deposit

Lisa A. Chiarini

Attorney Name

Lisa A. Chiarini

Signature

50,932

PTO Reg. No.

July 12, 2006

Date of Signature

Mail Stop **PETITION**
Commissioner for Patents
Alexandria, VA 22313-1450

Sir:

Applicants respectfully petition to revive the above-captioned application in
accordance with the provisions of 37 C.F.R. § 1.137(b).

The above-captioned application was the subject of a Notice under 37 C.F.R.

1.251 mailed April 6, 2005 which indicated that the "Information Disclosure Statement and
NY02:553627.1

references (FOR & NPL) dated 10/16/03 are missing." The Notice requested that Applicants provide a copy of the references within three months of the mailing date, or by July 6, 2005.

The application became abandoned when the references were not received by the Patent Office by the date set forth in the Notice. Applicants hereby aver that this delay in submitting the references was entirely unintentional. This unintentional error passed unnoticed until June 1, 2006, which was after the due date for submitting the references. Applicants respectfully request that this promptly-filed Petition to Revive be granted and that prosecution in the above-captioned application be allowed to proceed upon payment of the required fees.

Enclosed herewith are copies of the requested references as requested by the Notice. Also enclosed is a check in the amount of \$1500.00 for the fee for this Petition as required under 37 C.F.R. § 1.17(m). The Commissioner for Patents is hereby authorized to charge payment of any other fees associated with this communication to Deposit Account No. 02-4377.

Respectfully submitted,

BAKER BOTTS, LLP.



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